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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,868	06/23/2003	Ken Lipson	038602-1607	6652

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AGOURON PHARMACEUTICALS, INC.
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EXAMINER

SPIVACK, PHYLLIS G

ART UNIT	PAPER NUMBER
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1614

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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71405

DATE MAILED:

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Commissioner for Patents

Applicants' Response and Amendment filed May 2, 2005 are acknowledged. The amendments to independent claims 11-14 add the limitations "an abnormal condition associated with an aberration in a signal transduction pathway mediated by a c-kit kinase" and "that modulates, in vitro, the catalytic activity of c-kit kinase" that were never considered in the the present application. Further, the subject matter of claim 11 has been broadened in that the original claim was drawn to treating or preventing "one or more gastrointestinal stromal tumors" to treating or preventing any "gastrointestinal tumor". Therefore, the newly amended claims are directed to inventions that are distinct from the invention originally claimed. Further, search and consideration are required.

Since Applicants have received an Action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP 821.03.

The Response filed May 2, 2005 is non-responsive to the prior Office Action for the reasons set forth supra. Applicants are required to respond within a TIME LIMIT of ONE MONTH from the date of this letter or within the time remaining in the response period of the last Office Action, whichever is longer. NO EXTENTION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b), but the period for response set in the last Office Action may be extended up to a maximum of SIX MONTHS.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Phyllis G. Spivack whose telephone number is 571-272-0585. The Examiner can normally be reached Monday to Friday from 10:30 AM to 7 PM. If attempts to reach the Examiner by telephone are unsuccessful after one business day, the Examiner's supervisor, Chris Low, can be reached at 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phyllis Spivack
Phyllis G. Spivack
Primary Examiner
Art Unit: 1614
July 14, 2005
**PHYLLIS SPIVACK
PRIMARY EXAMINER**

Best Available Copy